

1 MICHAEL E. KINNEY
2 Bar No. 77018
3 Law Office of Michael E. Kinney
4 438 First St.
5 Fourth Floor
Santa Rosa, CA 95401
(707) 527-4141
Fax (707) 579-9561
kinney@kinnlaw.com

6 Attorney for Plaintiff
7 DONNA MATHEWS
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 DONNA MATHEWS,

13 Plaintiff,

14 vs.

15 PAN AMERICAN LIFE INSURANCE
16 COMPANY; and DOE 1 through Doe 20,
17 Inclusive,

18 Defendants.

19 No. C 07-02757 SBA

20 EX PARTE MOTION FOR
21 ADMINISTRATIVE RELIEF TO
22 PERMIT FILING UNDER SEAL
23 PURSUANT TO PROTECTIVE
24 ORDER; DECLARATION OF
MICHAEL E. KINNEY;
MEMORANDUM OF POINTS AND
AUTHORITIES; PROPOSED
ORDER

25 /
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27
28 TO THE HONORABLE SAUNDRA B. ARMSTRONG AND TO ALL PARTIES
AND THEIR ATTORNEYS OF RECORD:

On or about March 13, 2008, a Stipulated Protective Order was issued in this matter, signed by Magistrate Judge Bernard Zimmerman. That Order requires that the parties follow Local Rule 79-5 if they desire to file a document which opposing counsel has designated as "confidential."

Subsequently, opposing counsel designated a document as "confidential." That document ultimately was incorporated into an Exhibit Book appurtenant to the depositions of Cory Simon and Michael Jones.

1 Plaintiff is filing the Exhibit Book in connection with her Opposition to Defendant's
2 Motion for Summary Judgment. The Motion is set for hearing on June 10, 2008.

3 Therefore, in order to comply with the Stipulated Protective Order, this
4 Administrative Motion is necessary.

5 Dated: May 19, 2008

LAW OFFICE OF MICHAEL E. KINNEY

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7 By: /s/
8 Michael E. Kinney
9 Attorney for Plaintiff
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1 **DECLARATION OF MICHAEL E. KINNEY**

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3 I, Michael E. Kinney, declare as follows:

4 1. I am an attorney licensed to practice before this Court, and the attorney of
5 record for Plaintiff herein.

6 2. On or about March 13, 2008, a Stipulated Protective Order issued in this
7 case. The Order contains the following provision:

8 **"10. FILING PROTECTED MATERIAL**

9 "Without written permission from the Designating Party or a court order secured
10 after appropriate notice to all interested persons, a Party may not file in the public
11 record in this action any Protected Material. A Party that seeks to file under seal any
12 Protected Material must comply with Civil Local Rule 79-5."

13 3. A document designated as confidential by Defendant was used during the
14 depositions of Cory Simon and Michael Jones. It became part of the Exhibit Book associated with
15 those deposition, as Exhibit 2 therein.

16 4. Plaintiff is filing a copy of that Exhibit Book as part of her Opposition to
17 Motion for Summary Judgment. Therefore, this Motion for Administrative Relief is necessitated.

18 5. Submitted herewith is a copy of the Exhibit Book, as well as a redacted
19 copy. A chambers copy is also being submitted herewith.

20 6. Plaintiff does not have a position on the subject of whether the Exhibit
21 Book or a portion thereof should be sealed. Plaintiff defers to the Court.

22 7. On May 19, 2008, I spoke with Thomas Evans, counsel for Defendant,
23 about this matter. We did not reach a stipulation on the subject of this motion.

24 8. A copy of this Motion for Administrative Relief is being hand delivered to
25 Mr. Evans the same day this Motion is being filed, together with a copy of the Exhibit Book. A
26 proof of service is being filed with the Court.

27 I declare under penalty of perjury under the laws of the State of California and the
28 United States that the foregoing is true and correct.

1 Dated this 19th day of May at Santa Rosa, California.
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/s/
Michael E. Kinney

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **THE COURT HAS POWER TO GRANT THIS**
4 **MOTION FOR ADMINISTRATIVE RELIEF**

5 Local Rule 7-11 gives the Court the power to grant this motion. Local Rule 79-5
6 provides the substantive power to seal records.

7 Dated: May 19, 2008

LAW OFFICE OF MICHAEL E. KINNEY

8 By: /s/
9 Michael E. Kinney
10 Attorney for Plaintiff

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12 **ORDER**

13 GOOD CAUSE therefore appearing, it is ordered that the Exhibit Book filed by
14 Plaintiff in Opposition to Summary Judgment shall be [or shall not be] sealed.

15 Dated: _____

16 _____
17 Judge